

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 25, 2001

DIVISION ONE

B149512 Ward et al.
 v.
 Superior Court, Los Angeles County
 (Albertson's Inc., r.p.i.)

Filed order denying petition for rehearing. Vogel (Miriam A.), J. would grant.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and Joyce Hatter, Deputy Clerk.

B146467 People
 v.
 Garcia

Merits:
Argued by deputy attorney general Alene Games for respondent and by Edward Haggerty for appellant. Cause submitted.

B137252 County of Los Angeles
 v.
 Nelson

Merits:
Argued by deputy county counsel Nancy Ruffolo for respondent and by Raymond Moniak for appellant. Cause submitted.

DIVISION TWO (Continued)

B148570 Colecchio
 v.
 Random House

Merits:
Argued by Neville Johnson for appellant and by Stephen Contopulos for respondent. Cause submitted.

B146982 Bossert
 v.
 Schamber

Merits:
Argued by Lance Baer for appellant, by James Colfer for respondent Schamber and by Sydnee R. Singer for respondent Pritsker. Cause submitted.

B140769 People
 v.
 Day

Merits:
Argued by deputy attorney general Valerie Baker for respondent and by Christine Vento for appellant. Cause submitted.

B142231 Buyers Home Warranty Co.
 v.
 General Agents Ins. Co.

Merits:
Argued by James Potepan for appellant and by Christine Roney for respondent. Cause submitted.

DIVISION TWO (Continued)

B146620 Harris
v.
Harris

Merits:

Argued by Irwin Buter for appellant and by Thomas Dunlap for respondent.
Cause submitted.

B141842 Toscano
v.
Law Firm of Fox & Fox

Merits:

Argued by Leon Mayer for respondent, by Frank Fox for appellants and by
Oscar Toscano appellant in propria persona. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J. and G. Villanueva, Deputy Clerk.

Each of the following:

B140350 People v. Jeffries
B146172 People v. Campbell
B144936 People v. Hawkins
B144918 People v. Anchondo
B141745 People v. Lee
B144359 People v. Clark
B146527 Bishop v. Hug
B142705 People v. Maris
B143181 People v. Tran
B148306 People v. Dwight J.
B148879 People v. Mendoza
B148969 People v. Ramiro C.
B148445 D.C.F.S. v. Henrietta B.

DIVISION TWO (Continued)

Each of the following (continued):

B149591 D.C.F.S. v. Maria O.
B145529 Hassanshahi v. Glendale Federal
B148006 In re Michelle C.
B146672 In re Robert C.
B144882 In re Daniel B.
B145476 D.C.F.S. v. Renee G.
B148422 D.C.F.S. v. Victor S.
B149152 D.C.F.S. v. June M.
B152116 Whitney C. v. D.C.F.S.
B149607 People v. Olson
B148995 People v. Godinez
B147869 People v. Zendejas
B145033 Hankins .v Botach
B151433 Woodman Partners v. Sofa U Love

Argument waived, cause submitted.

B150238 Los Angeles County, D.C.F.S.
 v.
 Jimella G.

Merits:

Argued by Mary Handy for appellant and by Judith German, deputy county counsel, for respondent. Cause submitted.

B152118 Alfred S.
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

Merits:

Argued by Ann Cushing for petitioner and by Arezoo Pichvai, deputy county counsel, for real party in interest. Cause submitted.

DIVISION TWO (Continued)

B147145 Walters
 v.
 City of Los Angeles

Merits:
Argued by Richard Knickerbocker for appellant and by Lisa Berger, deputy city attorney, for respondent. Cause submitted.

B142530 Maroun
 v.
 American National Ins. Co.

Merits:
Argued by David Holt for appellant and by Wendy Genz for respondent. Cause submitted.

B146497 Lammoglia
 v.
 Philippine National Bank

Merits:
Argued by David Lynch for appellant and by Jay Ziegler for respondent. Cause submitted.

B146144 Sieg
 v.
 Wright

Merits:
Argued by Barry Orlyn for appellant and by Paul Carter for respondent. Cause submitted.

DIVISION TWO (Continued)

B151669 Washington Mutual Bank
v.
Superior Court, Los Angeles County
(Guilford, et al, r.p.i.)

Merits:

Argued by Julia Strickland for petitioner, by David Fiol for real party in interest Guilford and Gordon Fauth, Jr. for real party in interest Talley. Cause submitted.

B145255 People
v.
Rodriguez

Merits:

Argument waived and submission deferred pending the decision of the Supreme Court in the case of People v. Lee, S044597.

Court adjourned.

DIVISION THREE

B147724 People (Not for Publication)
v.
Fisher

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B147361 People (Not for Publication)
v.
Kekona

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B142321 Lisa Ellen Smith (Certified for Publication)
B145004 v.
Pacificare Behavioral Health of California, Inc., et al.

The order in Smith (B142321) is affirmed. In the Rivera writ proceeding (B145004), the order to show cause is discharged and a peremptory writ shall issue directing the trial court to vacate its order of August 15, 2000, granting PacifiCare's petition to compel arbitration and to enter a new and different order denying such petition. Upon remand, the trial court shall conduct such further proceedings as are appropriate in each case and are consistent with the views expressed herein. Both Smith and Rivera shall recover their costs incurred in these appellate proceedings.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B147254 People (Not for Publication)
v.
Becerra

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B145613 People (Not for Publication)
v.
Cannon

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B140909 People (Not for Publication)
v.
Anderson

The judgment is modified: (1) to stay, pursuant to section 654, the sentences imposed on counts 2,3, and 4; (2) to stay, pursuant to section 654, the section 12022, subdivision (b) enhancements imposed on counts 3 and 4; and (3) to strike the section 667, subdivision (1)(1) and 667.5, subdivision (b) enhancements imposed on counts 3 and 4. In all other respects, the judgment is affirmed. The clerk of the superior court is ordered to prepare an amended abstract of judgment consistent with the opinions expressed herein and to forward a corrected copy to the Department of Corrections.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B147217 People (Not for Publication)
v.
Le

The order denying the petition for writ of error coram nobis is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B151526 Shari Edwards (Certified for Publication)

v.

Superior Court, Los Angeles County

(T. Gregory Kirianoff, r.p.i.)

Let a peremptory writ of mandate issue directing the respondent court to vacate its order denying the motion to amend the complaint and to enter in its place an order granting the motion. The stay order entered on October 15, 2001 is vacated. No costs are awarded in this proceeding.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B146652 Goldberger & Co. (Not for Publication)

v.

Massout et al.

The judgment is affirmed. The parties are to bear their own costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B148567 Segal (Not for Publication)

v.

State Farm General Insurance Company et al.

The order of dismissal is reversed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

B147366 South Bay Bank N.A. (Not for Publication)
 v.
 Oates et al.

The judgment is affirmed. Respondent shall have costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B144017 People (Not for Publication)
 v.
 Jackson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B144185 People (Not for Publication)
 v.
 Knox

B151545 In re Phillip Knox on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FIVE

B140027 People
 v.
 Reuben Lujan

Filed order modifying opinion. (No change in the judgment)

B142438 First Pacific Bancorp, Inc. (Not for Publication)
 v.
 Allen Lawrence and Associates, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B148773 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Steven H.
 In re Aaron H., et al.

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B143068 Michael J. Mack
 v.
 State Bar of California

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B124850 People (Not for Publication)
v.
Jesse Ramirez

The judgment is affirmed except: (1) the true finding on the prior assault with a deadly weapon is reversed insofar as it was based on the finding by the trial court that the prior conviction involved personal use of a deadly weapon; (2) the matter is remanded to the trial court for a court trial on the limited issue of whether the prior conviction involved personal use of a deadly weapon; and (3) if the trial court determines the prior conviction involved personal use of a deadly weapon the original sentence will remain in effect, but if the trial court finds the prior conviction not true the trial court is directed to resentence defendant as it deems appropriate.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

B148320 People (Not for Publication)
v.
Hall

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B150830 People (Not for Publication)
v.
Ziegler

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

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The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B145717 Greenstein (Not for Publication)
v.
Lewellen

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B144398 People
v.
Brown

(Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B143543 Stayton (Not for Publication)
v.
Sause Bros. Ocean Towing Co., Inc.

The order awarding costs is reversed and the matter is remanded for further proceedings. Costs are awarded to Stayton.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B147302 People (Certified for Publication)
v.
Shadden

The conviction for false imprisonment (count 3) is reversed. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B147442 Elandt et al. (Not for Publication)
 v.
 Goodwin et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.